

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>TENNESSEE RIVERKEEPER, INC.,</b>	)	
	)	
<b>PLAINTIFF,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 3:23-cv-01369</b>
	)	
<b>CITY OF LEBANON, TENNESSEE,</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>Defendant,</b>	)	
	)	

---

**RENEWED JOINT MOTION TO STAY PENDING MEDIATION**

---

Defendant, City of Lebanon, Tennessee, and Plaintiff, Tennessee Riverkeeper, Inc. (collectively, the “Parties”), jointly renew their motion requesting this Court issue an order staying this action for 90 days pending mediation of Plaintiff’s claims. In light of the Court’s order denying the Parties’ Joint Motion to Stay Pending Mediation because it found that the Parties had not explained the need for a 90-day stay [*see* Dkt. 28], the Parties state the following as grounds for this renewed motion:

1. The Parties are engaged in settlement discussions and have agreed to mediate the case.
2. Plaintiff has requested additional sampling from the Lebanon Landfill (the site at issue in this case) prior to mediation, and the Parties are currently negotiating a protocol for Plaintiff’s requested sampling.
3. Once the Parties have agreed on a protocol, the Parties, their counsel, and their environmental consultants will need to schedule a date and time to visit the Lebanon Landfill and

collect the samples. Defendant's consultant has advised that after the samples are collected and submitted to the laboratory, it generally takes up to one month to receive results and can occasionally take longer depending on the laboratory's availability. Analyzing and reporting the results takes additional time, up to another two weeks.

4. Because of the time it will take to negotiate a sampling protocol, schedule a second site visit, take and process the samples, and analyze the results, the Parties have requested a 90-day stay. They do not believe it will be feasible to complete sampling and mediation within a shorter time period.

5. Federal district courts have "broad discretion to stay proceedings as an incident to [their] power to control [their] own docket[s]," *Clinton v. Jones*, 520 U.S. 681, 708 (1997), and routinely stay actions pending mediation. *See, e.g., Yoe v. Crescent Sock Co.*, No. 1:15-CV-3-SKL, 2018 WL 10162238, at \*14 (E.D. Tenn. Sept. 7, 2018).

6. A stay is appropriate here because it will promote judicial economy and efficiency by allowing the Parties to devote time and resources to potentially resolving this action through mediation. And a successful mediation would, in turn, save the Parties and the Court the further time and expense of litigating this matter.

7. No party will be prejudiced by a stay; the Parties have jointly agreed to this relief, and this case is in its early stages.

8. The Parties will submit a progress report midway through the stay period (on the 45<sup>th</sup> day of the stay, or the next business day if the 45<sup>th</sup> day falls on a weekend or holiday).

9. The Parties will file a notice within five days of the conclusion of mediation or the expiration of the 90-day stay, whichever is sooner, to notify this Court of the status of their efforts to resolve the case. If mediation was unsuccessful, the Parties' notice will include a proposed

revised case management order.

10. Accordingly, to conserve judicial resources and to focus the Parties' efforts on a resolution of this litigation, the Parties jointly pray for a stay of proceedings for 90 days and for such other relief to which they may be entitled.

Respectfully submitted,

/s/ Mark E. Martin

Mark E. Martin  
1706 Reid Road  
P.O. Box 1486  
Oneonta, AL 35121  
P: 205.516.9350  
[mmartin@marketmartin.com](mailto:mmartin@marketmartin.com)

Andrea Taylor McKellar (BPR #19618)  
MCKELLAR LAW GROUP, PLLC  
117 28<sup>th</sup> Avenue North  
Nashville, TN 37203  
P: 615.866.9828  
[andie@mckellarlawgroup.com](mailto:andie@mckellarlawgroup.com)

*Attorneys for Plaintiff, Tennessee Riverkeeper, Inc.*

/s/ Caroline D. Spore

Caroline D. Spore (BPR #036214)  
BRADLEY ARANT BOULT CUMMINGS LLP  
1221 Broadway, Suite 2400  
Nashville, TN 37203  
P: 615.252.3806  
[cspore@bradley.com](mailto:cspore@bradley.com)

*Attorney for Defendant, City of Lebanon, Tennessee*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 29, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the below:

Mark E. Martin  
1706 Reid Road  
P.O. Box 1486  
Oneonta, AL 35121  
[mmartin@marketmartin.com](mailto:mmartin@marketmartin.com)

Andrea Taylor McKellar  
117 28<sup>th</sup> Avenue North  
Nashville, TN 37203  
[andie@mckellarlawgroup.com](mailto:andie@mckellarlawgroup.com)

*Attorneys for Plaintiff, Tennessee  
Riverkeeper, Inc.*

/s/ Caroline D. Spore  
Caroline D. Spore